

PUBLIC NOTICE
OF A
TENTATIVE DECISION TO GRANT A VARIANCE

The Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), is hereby **giving notice of a tentative decision to grant a variance from classification as a solid waste for a nickel-bearing waste water treatment sludge that has been reclaimed but requires additional reclamation to recover the metals.** The sludge is **generated at the Sumiden Wire Products Corporation facility (EPA ID No. TNR 00-000-1834) located at 710 Marshall Stuart Drive, Dickson, Tennessee 37055.**

Sumiden Wire Products Corporation (SWPC) generates a nickel-bearing wastewater from the nickel plating of stainless steel wire using an acid nickel bath electroplating process. SWPC treats this wastewater on-site, generating sludge as a filter cake that is subsequently dewatered in an on-site sludge dryer. SWPC's sludge contains recoverable commercial quantities of nickel metal that require additional reclamation beyond SWPC's initial reclamations activities to complete the metal recovery. SWPC ships the dried sludge for further reclamation authorized facilities operated by World Resource Company (WRC) in Pennsylvania or Arizona. WRC further concentrates SWPC's nickel-bearing sludge, blends it with others to meet certain specifications, and ships for metals recovery to their customer smelters. SWPC's and WRC's material handling and processing practices substantiate that the materials are treated as "product" which has known commercial values and markets. Management of the materials is conducive to the protection of human health and the environment. Reclamation of the materials allows for the recover and reuse of valuable commodities rather than disposal as a hazardous waste.

The requirements and procedures for determining that certain hazardous materials that are being recycled will no longer be classified as a solid or hazardous wastes are provided at Tennessee Rule 1200-1-11-.01(4)(b)(3). These regulations are equivalent to those of the US EPA found at 40CFR 260.30.

Copies of [SWPC's variance](#) request, [DSWM's response](#) and this public notice are available for public review at the Dickson County Public Library, located at 206 Henslee Drive in Dickson, Tennessee (615-446-8293) during regular operating hours. Copies of this documentation are also available for review during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays) at the Public Access Area in TDEC's Nashville Environmental Field Office located at 711 R.S. Gass Boulevard, Nashville, TN (615-687-7000).

Any interested person may obtain further information or submit written comments or request a public hearing on this proposal by contacting Mr. Joe Putnam, Compliance Support Section; Division of Solid Waste Management; TDEC; 5th Floor, L & C Tower, 401 Church St.; Nashville, TN 37243-1535; telephone (615) 532-0882; Fax (615) 532-0886; or e-mail joe.putnam@state.tn.us. The comments must be received by 4:30 p.m. CST, February 17, 2008 to assure consideration. After considering all public comments received, the DSWM Director will issue a final decision to either grant or deny the variance.

TDEC is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Persons who wish to be on DSWM's mailing list should request a Mailing List Request form by calling or writing: Public Participation Officer; Division of Solid Waste Management; TDEC; 5th Floor, L & C Tower; 401 Church St.; Nashville, TN 37243-1535; (615-532-0798); e-mail solid.waste@state.tn.us.

NOTICE ISSUED: February 13, 2008



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535
Solid.Waste@state.tn.us

February 4, 2008

CERTIFIED MAIL # 7005 1820 0001 5863 5151
RETURN RECEIPT REQUESTED

Mr. Kevin Natterstad
Sumiden Wire Products Corporation
710 Marshall Stuart Drive
Dickson, TN 37055

RE: Tentative Solid Waste Variance
Sumiden Wire Products Corporation (SWPC)
Nickel Plating Wastewater Treatment Sludge
TNR 00-000-1834

Dear Mr. Natterstad:

The evaluation of Sumiden's submitted data, written discussions and explanations associated with Sumiden's (SWPC's) October 31, 2007, request for consideration of the Variance from Classification as a Solid Waste, as found at Rule 1200-1-11-.01(4)(b)3, has been completed. This variance is specific for "materials that have been reclaimed, but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further.)"

Sumiden (SWPC) is granted a tentative variance for the nickel bearing wastewater treatment sludge associated with the existing nickel-plating of stainless steel wire process line and the associated wastewater treatment system. SWPC's submitted process information has demonstrated that the material in question is a reclaimed nickel sludge precipitated from wastewater treatment activities from a specifically isolated flow from Sumiden's nickel-plating process. It has been demonstrated that the treated sludge contains nickel hydroxide concentrations such that there is recoverable metallic nickel normally recovered by smelting processes. Reclamation beyond the production of the dewatered nickel bearing sludge is necessary to reclaim the recoverable nickel. The Division is in agreement with the United States Environmental Protection Agency (EPA) decision, found at 50 FR 639 (January 4, 1985), that dewatering of wastewater treatment sludge can be considered as a form of reclamation. Sumiden

has therefore demonstrated compliance with the evaluation factor associated with the degree of processing the material has undergone and that smelting, a further reclamation activity, is required to complete the reclamation recycling process.

Sumiden has further demonstrated through analytical analysis and documentation that the nickel concentrations from the sludge are significantly greater than that found in naturally occurring nickel ores. Typical dry weight ore metal concentrations are approximately 1-2%. Sumiden's nickel analysis indicates that nickel sludge metal concentrations are found at approximately 12% (wet basis) or 13% (dry basis). It is noted that past SWPC analytical histories indicate that SWPC's nickel sludge's have a history of variable nickel concentrations up to 30.2% nickel. The nickel concentration variability is due to sludge batch treatment and effective initial processing operations at Sumiden. Review of EPA guidance associated with this reclamation exclusion indicates that a .2% dry weight concentration is the recommended minimum concentration for exclusion consideration. Sumiden has successfully established "the degree to which the reclaimed material is like an analogous raw material."

Nickel has commercial value and is considered a valid commodity. Sumiden has identified that a market for the reclaimed materials exists, and has identified that World Resources Company (WRC) will serve as the broker and processor for reclamation services. Sumiden indicates that WRC is also tasked with material tracking responsibilities. Sumiden has therefore successfully established that there is a market and a value for the reclaimed/recycled materials as well as recognizing the generator's responsibilities for materials tracking.

Sumiden has submitted information that it manages these waste materials to minimize material loss associated with collection, storage, and shipment activities. The nickel filter cake is placed in covered 30-yard roll-off box containers. The covers are kept in place except when sludge is added to the roll-off containers for storage and transportation. Each container is labeled to conform to appropriate safety and transportation regulations. Sumiden has demonstrated that the reclaimed material is handled so as to minimize loss and is treated as a "commodity", rather than a waste.

Sumiden is granted this tentative variance with the following conditions:

1. Sumiden continues to handle and transport the materials in a manner consistent with a commodity like status, i.e., the material will be collected, stored, transported, and labeled in a manner that prevents loss or spills;
2. Sumiden will retain documentation associated with waste characterization analysis, materials composition and specification analysis, and materials shipment number and destination confirmations. These records are to be retained at the facility for five (5) years. Failure to meet reclamation/smelting materials specification requirements will require that the material be subject to Tennessee's Hazardous Waste Act and Regulations requirements as a hazardous F006 listed waste.
3. Sumiden will retain copies of contracts between Sumiden and WRC involved in all material transactions. These records are to be retained on site for five (5) years.

4. Sumiden will inform the Division within 30 days of any changes in the sludge collection and treatment process, brokers, smelters, or corporate ownership, which will be evaluated by the Division as to the effect on the variance status.

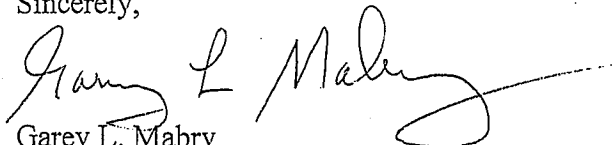
Sumiden is aware of the responsibility to meet the conditions associated with public notification as found at 1200-1-11-.01(4)(c)2 before award of a final exclusion that will be valid for five years. Questions and activities associated with public notice activities should be directed to our Public Notice Coordinator, Ms Mary Evans at (615) 532-0798.

We are also requesting that two (2) copies of the contract between Sumiden and WRC be submitted to the Division of Solid Waste Management, Attention: Mr. Garey Mabry, prior to award of a final exclusion.

The Division commends the implementation of Sumiden's proposed reclamation/recycling activities associated with the proposed nickel recovery processes and applauds your recycling awareness and efforts.

Comments and questions concerning this tentative variance approval should be directed to Mr. Joe Putnam at (615) 532-0882 or Mr. Robert Nakamoto at (615) 532-0868.

Sincerely,



Garey L. Mabry
Hazardous Waste Program Manager
Tennessee Department of Environment and Conservation
Division of Solid Waste Management

cc: Robert Nakamoto
Joe Putnam
Al Majors
Central File - 35A
Nina Vo
Dennis Woodson
Dwight Hinch